

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1096 be amended to read as follows:

- 1 Page 2, line 27, delete "mortgage deduction under IC 6-1.1-12-2 or
- 2 the".
- 3 Page 3, delete lines 2 through 42, begin a new paragraph and insert:
- 4 "SECTION 2. IC 6-1.1-12-2, AS AMENDED BY P.L.144-2008,
- 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) Except as provided
- 7 in section 17.8 of this chapter and subject to section 45 of this chapter,
- 8 ~~a person who desires to claim to qualify for~~ the deduction provided by
- 9 section 1 of this chapter ~~must~~ **a statement must be filed under**
- 10 **subsection (b) or (c).**
- 11 **(b) To apply for the deduction under section 1 of this chapter,**
- 12 **the person recording the mortgage, contract, or memorandum with**
- 13 **the county recorder may file a written statement with the county**
- 14 **recorder containing the information described in subsection (e)(1),**
- 15 **(e)(2), (e)(3), (e)(4), (e)(6), (e)(7), and (e)(8). The statement must be**
- 16 **prepared on the form prescribed by the department of local**
- 17 **government finance and be signed by the property owner or**
- 18 **contract purchaser under the penalties of perjury. The form must**
- 19 **have a place for the county recorder to insert the record number**
- 20 **and page where the mortgage, contract, or memorandum is**
- 21 **recorded. Upon receipt of the form and the recording of the**
- 22 **mortgage, contract, or memorandum, the county recorder shall**
- 23 **insert on the form the record number and page where the**
- 24 **mortgage is recorded and forward the completed form to the**

1 county auditor. The county recorder may not impose a charge for
 2 the county recorder's duties under this subsection. With respect to
 3 real property the statement must be filed with the county recorder
 4 during the year for which the person wishes to obtain the
 5 deduction. With respect to a mobile home that is not assessed as
 6 real property or a manufactured home that is not assessed as real
 7 property, the statement must be filed with the county recorder
 8 during the twelve (12) months before March 31 of each year for
 9 which the individual wishes to obtain the deduction.

10 (c) Alternatively, to apply for a deduction under section 1 of this
 11 chapter, a person who desires to claim the deduction may file a
 12 statement in duplicate, on forms prescribed by the department of local
 13 government finance, with the auditor of the county in which the real
 14 property, mobile home not assessed as real property, or manufactured
 15 home not assessed as real property is located. With respect to real
 16 property the statement must be filed during the year for which the
 17 person wishes to obtain the deduction. With respect to a mobile home
 18 that is not assessed as real property or a manufactured home that is not
 19 assessed as real property, the statement must be filed during the twelve
 20 (12) months before March 31 of each year for which the individual
 21 wishes to obtain the deduction. The statement may be filed in person
 22 or by mail. If mailed, the mailing must be postmarked on or before the
 23 last day for filing. In addition to the statement required by this
 24 subsection, a contract buyer who desires to claim the deduction must
 25 submit a copy of the recorded contract or recorded memorandum of the
 26 contract, which must contain a legal description sufficient to meet the
 27 requirements of IC 6-1.1-5, with the first statement that the buyer files
 28 under this section with respect to a particular parcel of real property.

29 (d) Upon receipt of:

30 (1) the statement under subsection (b); or

31 (2) the statement under subsection (c) and the recorded contract
 32 or recorded memorandum of the contract;

33 the county auditor shall assign a separate description and identification
 34 number to the parcel of real property being sold under the contract.

35 ~~(b)~~ (e) The statement referred to in ~~subsection (a)~~ subsections (b)
 36 and (c) must be verified under penalties for perjury. ~~and~~ The statement
 37 must contain the following information:

38 (1) The balance of the person's mortgage or contract indebtedness
 39 on the assessment date of the year for which the deduction is
 40 claimed.

41 (2) The assessed value of the real property, mobile home, or
 42 manufactured home.

43 (3) The full name and complete residence address of the person
 44 and of the mortgagee or contract seller.

- 1 (4) The name and residence of any assignee or bona fide owner or
 2 holder of the mortgage or contract, if known, and if not known,
 3 the person shall state that fact.
 4 (5) The record number and page where the mortgage, contract, or
 5 memorandum of the contract is recorded.
 6 (6) A brief description of the real property, mobile home, or
 7 manufactured home which is encumbered by the mortgage or sold
 8 under the contract.
 9 (7) If the person is not the sole legal or equitable owner of the real
 10 property, mobile home, or manufactured home, the exact share of
 11 the person's interest in it.
 12 (8) The name of any other county in which the person has applied
 13 for a deduction under this section and the amount of deduction
 14 claimed in that application.
 15 ~~(c)~~ (f) The authority for signing a deduction application filed under
 16 this section may not be delegated by the real property, mobile home, or
 17 manufactured home owner or contract buyer to any person except upon
 18 an executed power of attorney. The power of attorney may be contained
 19 in the recorded mortgage, contract, or memorandum of the contract, or
 20 in a separate instrument."
 21 Page 4, delete lines 1 through 16.
 22 Page 4, line 35, delete "1,".
 23 Page 5, line 13, after "forms" insert "**and mortgage deduction**
 24 **application forms**".
 (Reference is to HB 1096 as printed January 28, 2009.)

Representative Smith M